

S/N 09/782,8501

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gebert	Examiner:	Campbell, Joshua D.
Serial No.:	09/782,850	Group Art Unit:	2178
Filed:	February 14, 2001	Docket No.:	8185P010

Title: Method, System and Program for Preprocessing a Document to Render on an Output Device

PRE-BRIEF CONFERENCE REQUEST

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully requests review of the final rejection in the above-identified application which was mailed January 21, 2009. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated on the following five (5) sheets.

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. This response is believed to fully address all issues raised in the Final Office Action mailed January 21, 2009. Furthermore, no new matter is believed to have been introduced hereby. Claims 49-87 were previously pending and remain pending in this application.

Res. Judicata

Applicant submits that the present claims are not subject to Res Judicata.

In an Appellate Decision ("Decision") by the Board of Patent Appeals and Interferences ("Board") decided January 23, 2008, the Board upheld the Examiner's rejection of the independent claims. Particularly, the Board ruled that the claim language *each page object includes source content in a presentation language used in a source document and determined formatting properties for one page* "broadly encompasses a page object with source content in the presentation language used in the source document and the determined formatting properties consisting of one or more pages." See Decision at Page 9, lines 5-8.

Independent claims 49, 62 and 75 each recite *a first page object including source content in a presentation language used in a source document and formatting properties for only a first page, and a second page object including the source content in the presentation language used in the source document and formatting properties for only a second page*. Thus, the present claims explicitly limit a *first page object applying only to a first page* and a *second page object applying only to a second page* in order to differentiate from the Board's construction in the Decision of "page objects" not being limited to a *single page*.

In an Advisory Action mailed March 24, 2009, the Examiner further asserts that the rejection of the claims should be maintained because:

the phrase "one or more" provides the limitation of having at least one of the specific criteria and does not require the existence of any more than that one, thus having "only one" would fall into the definition of the phrase "one or more."

See Advisory Action at Page 2.

Notwithstanding the Examiner's definition, applicant respectfully submits that the Examiner has misconstrued the Board's rejection. The Board broadly construed the claimed page objects as **not being limited** to a single page, but one or more pages. See Decision at Page 9, lines 1-4. Thus, the Board held that Adler disclosed the disputed limitation since applicants' previous claim language could be construed as the page objects being **applied for more than one page**. As discussed above, the current claims clearly limit applying a page object to a single page. Accordingly, the limitations of the independent claims have not been adjudicated.

35 USC §103 Rejection of the Claims

Claims Rejected in View of Adler and Saito

Applicant submits that the present claims are patentable over Adler in view of Saito. The present claims each recite a first page object including source content in a presentation language used in a source document and formatting properties for only a first page, and a second page object including the source content in the presentation language used in the source document and formatting properties for only a second page.

Adler has been cited in the Office Action as disclosing this feature. See Office Action at Page 7, ll. 7-12. Adler discloses a set of formatting objects in XSL to describe both a layout structure of a page or "frame" (how big is the body; are there multiple columns; are there headers, footers, or sidebars; how big are these) and the rules by which the XML source content is placed into these "containers". The layout structure is defined in terms of one or more instances of a "simple-page-master" formatting object. This formatting object allows one to define independently filled regions for the body (with multiple columns), a header, a footer, and sidebars on a page. These simple-page-masters can be used in page sequences that specify in which order the various simple-page-masters shall be used. The page sequence also specifies how styled content is to fill those pages. This model allows one to specify a sequence of simple-page-masters for a book chapter where the page instances are automatically generated by the formatter or an explicit sequence of pages such as used in a

magazine layout. Styled content is assigned to the various regions on a page by associating the name of the region with names attached to styled content in the result tree. In addition to these layout formatting objects and properties, there are properties designed to provide the level of control over formatting that is typical of paginated documents. This includes control over hyphenation, and expanding the control over text that is kept with other text in the same line, column, or on the same page. See Adler at Section 1.2.3.

Saito discloses a mechanism that provides a document layout processing for efficiency of layout processing of a layout structure corresponding to a particular document. See Saito at paragraph 4, ll. 46-52.

Applicant submits that neither Adler nor Saito disclose or suggest a *first page object including formatting properties for only a first page and a second page object including formatting properties for only a second page*. Particularly, Adler does not disclose or suggest the feature. The Examiner maintains Adler discloses that:

This result tree consists of formatting objects which correspond to typographic abstractions such as pages, also known as "page objects," if the document being processed consisted of more than one page of data that result tree would be required to have multiple page objects." These objects are stand alone abstractions which contain both the formatting and the content necessary for each typographic abstraction, once again in this case that would be only one page.

See Advisory Action at Page 2.

Applicant respectfully disagrees. Applicant's claims recite each page object having content in a presentation language in the source document and formatting properties for one page. The results tree disclosed in Adler includes one tree having formatting objects, where certain formatting object classes may provide typographic abstractions. See Adler at page 17 & 18. However, nowhere in Adler is there a disclosure or suggestion of each object including source content in a presentation language in the source document and formatting properties for one page.

Since Adler and Saito each fail to disclose or suggest a first page object including source content in a presentation language used in a source document and formatting properties for only a first page, and a second page object including the source content in the presentation language used in the source document and formatting properties for only a second page, any combination of Adler and Saito would fail to disclose or suggest such features. Therefore, the present claims are patentable over Adler in view of Saito.

Claims Rejected in View of Adler, Saito Barry and Sall

Applicant submits that the present claims are patentable over any combination of Adler, Saito, Barry and Sall since none of the references disclose or suggest recite a first page object including source content in a presentation language used in a source document and formatting properties for only a first page, and a second page object including the source content in the presentation language used in the source document and formatting properties for only a second page.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 50-3669.

Respectfully submitted,

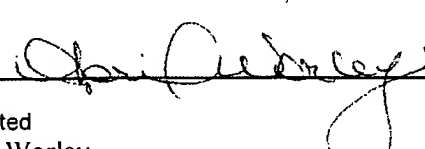

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Date: 4/21/09

Mark L. Watson
Reg. No. 46,322

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(303) 740-1980

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 8185P010	
I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below. <div style="text-align: center;">4/21/09</div> Signature  Typed or printed name April Worley		Application No. 09/782,850	Filed February 14, 2001
		First Named Inventor Steven M. Gebert	
		Art Unit 2178	Examiner Campbell, Joshua D.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated on the attached sheet(s). NOTE: No more than five (5) pages may be provided.			
I am the: <ul style="list-style-type: none"> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under of 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> Attorney or agent of record. Registration Number <u>46,322</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ <div style="text-align: right; margin-top: 20px;">  _____ Signature Mark L. Watson _____ Typed or printed name (303) 740-1980 _____ Telephone Number 4/21/09 _____ Date </div>			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.			
<input type="checkbox"/> *Total of _____ forms are submitted.			